IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.474 OF 2005

IN

CRIMINAL WRIT PETITION NO. 1473 OF 2003

Lily Bahadur Jassawalla ... Applicant

versus

State of Maharashtra and ors. ... Respondents

...

Mr. A.R. Pandey, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the State.

Mr. Kiran Mhatre, for Respondent No. 2.

...

CORAM : A.M.KHANWILKAR,J.

31st January 2005

P.C.:

CRIMINAL APPLICATION NO. 474 OF 2005

. Heard Counsel for the parties. Counsel for the newly added Respondent No. 2, Mr. Mhatre, submits that he has no objection if this application is granted. Learned A.P.P. for

Respondent No. 1 submits to the orders of the Court. Accordingly, this application is granted in terms of prayer clause (a). Criminal Writ Petition No. 1473 of 2003 taken up for hearing forthwith by consent of the parties.

CRIMINAL WRIT PETITION NO. 1473 OF 2003

2. This petition is heard along with Criminal Application No. 474 of 2005. Counsel for the Respondent No. 2 submits on instructions that Respondent No. 2 has no objection if the petition was to succeed. Learned A.P.P. submits to the orders of the Court. In the circumstances, petition is allowed in terms of prayer clause (a) as it is stated that the Petitioner has already complied with the requirement of furnishing necessary surety. It is made clear that if the Petitioner fails to appear before the lower Court on the appointed date, the trial Court will be well-advised to take appropriate action as may be advised in accordance with law against the Petitioner.

(A.M.KHANWILKAR,J.)